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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA,

11
12 Plaintiff,

13 v.

14 JUAN URIBE

15 Defendant.
16

Criminal Case No. 13-CR-1237-L

ORDER DENYING MOTION FOR
CALCULATION OF TIME IN FEDERAL
CUSTODY [ECF NO 76.]

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18 On November 20, 2019, Defendant Juan Manuel Uribe filed a letter with the Court
19 in which he requests assistance with the calculation of his time in federal custody.
20 Defendant contends he has not been credited for the time he served at the Metropolitan
21 Correctional Center (MMC) prior to the Court sentencing him. As a result, he argues that
22 he is serving 84 months in custody instead of 72 months.

23 It appears that Defendant is asserting a claim to gain credit for prior custody under
24 18 U.S.C. § 3585, which states in pertinent part:

25 A defendant shall be given credit toward the service of a term of imprisonment for
26 any time he has spent in official detention prior to the date the sentence
27 commences—

28 (1) as a result of the offense for which the sentence was imposed; or

1 (2) as a result of any other charge for which the defendant was arrested after the
2 commission of the offense for which the sentence was imposed;
3 that has not been credited against another sentence.

4 18 U.S.C. § 3585(b).

5 On January 6, 2014, this Court sentenced Defendant to 72 months in federal custody
6 to be followed by four years of supervised release. (Judgment [ECF NO 64.]) After this
7 Court sentenced Defendant, jurisdiction for calculating his sentence was transferred to the
8 Bureau of Prisons, therefore, this Court no longer retains jurisdiction to calculate his
9 custodial sentence. See 18 U.S.C. § 3621; Federal Bureau of Prisons, Sentence
10 Computations,

11 https://www.bop.gov/inmates/custody_and_care/sentence_computations.jsp.

12 Nothing in this determination bars Defendant from filing a habeas corpus petition
13 pursuant to 28 U.S.C. § 2241 challenging the manner in which his sentence is executed.
14 See *White v. Lambert*, 370 F.3d 1002, 1009 (9th Cir. 2004)(overruled on other grounds by
15 *Hayward v. Marshall*, 603 F.3d 546 (9th Cir. 2010).)

16 For the foregoing reasons, Defendant's Motion is **DENIED** without prejudice. The
17 Clerk of Court is directed to send Defendant a blank form for relief pursuant to 28 U.S.C.
18 § 2241

19 **IT IS SO ORDERED**

20 Dated: November 25, 2019

21 
22 Hon. M. James Lorenz
23 United States District Judge
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